

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1 and 4-20 are pending in the application, with 1, 9, 13 and 19 being the independent claims. Claims 2-3 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 7-9, 11-14, and 16-19 stand rejected under 35 U.S.C. Sec. 102(b) as being anticipated by Mei (U.S. Patent No. 6,473,237). Claim 2 has been cancelled, therefore rendering its rejection moot. Claim 20 stands rejected under 35 U.S.C. Sec. 102(b) as being anticipated by Markle (U.S. Patent Application Publication No. 2002/0171816 A1). Applicants traverse the rejection of claims 1, 7-9, 11-14, 16-19, and 20 because the cited references fail to disclose, teach, or suggest all of the features of the claimed invention.

For example, the cited references fail to disclose, teach, or suggest a lithographic method or system wherein each of individually controllable elements can be set to at least two states in which their corresponding portion of a patterned beam provides radiation at an intensity between the at least two states, as recited in claims 1, 9, 13, and 19.

The Office Action indicates on page 2 that an embodiment of Mei includes a single microlens that can accommodate multiple pixel elements of a DMD. Mei, however, appears to be silent on whether each of the multiple pixel elements can be set to at least two states in which their corresponding portion of a patterned beam provides radiation at an intensity between the at least two states as recited in Applicants' claims.

If a future Office Action rejects claims 1, 9, 13, and 19, Applicants respectfully request that the Official Action specifically point out in the cited reference a lithographic apparatus or method wherein each of individually controllable elements can be set to at least two states in which their corresponding portion of a patterned beam provides radiation at an intensity between the at least two states.

It is respectfully pointed out that anticipation can only be established by a single prior art reference that discloses each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440 (Fed. Cir. 1984). Therefore, since the cited reference fails to recite each and every element of Applicants' invention as required in claims 1, 9, 13, and 19, claims 1, 9, 13, and 19 are not anticipated by the cited reference and are therefore allowable.

Claim 7 depends from claim 1, claims 11-12 depend from claim 9, and claims 14 and 16-18 depend from claim 13. Therefore, claims 1, 11-12, 14, and 16-18 are allowable at least for the reasons claims 1, 9, and 13 are allowable, and for the specific features recited therein.

Rejections Under 35 U.S.C. § 103

Claim 15 stands rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Mei as applied to claim 13 above, and further in view of Markandey et al. (U.S. Patent No. 6,473,237). Claim 15 depends from 13 and is therefore allowable at least for the

reasons claim 13 is allowable and for the specific features recited therein, for those features are believed to be non-obvious too.

Allowable Subject Matter

Applicant respectfully thanks the Examiner for allowance of subject matter recited in dependent claims 3-6 and 10. Claim 3 has been cancelled. Applicant chooses not to amend claims 4-6 and 10, in the manner suggested in the Office Action, at this time.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: January 12, 2006

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